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2002 DEC 10 PM 3:15

SACRAMENTO COURTS  
DEPT. #53 #54

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,  
a state agency,

Plaintiff,

v.

AGUA CALIENTE BAND OF CAHUILLA  
INDIANS, and DOES I-XX,

Defendants.

Case No. 02AS04545

DECLARATION OF JEFFREY B.  
GARFIELD IN SUPPORT OF  
OPPOSITION TO MOTION TO  
QUASH

Date: December 20, 2002

Time: 2:00 p.m.

Dept: 53

Judge: Hon. Loren McMaster

Action Filed July 31, 2002

No Trial Date Set

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1 I, JEFFREY B. GARFIELD, declare as follows:

2 1. I am the Executive Director and General Counsel of the Connecticut Elections  
3 Enforcement Commission. I have held that position since July 6, 1979. I am submitting this  
4 declaration in support of the California Fair Political Practices Commission's opposition to the motion  
5 to quash filed by the Agua Caliente Band of Cahuilla Indians.

6 2. The Connecticut Elections Enforcement Commission, a five member bi-partisan and  
7 independent state commission was created 1974 in the wake of the Watergate scandal by the  
8 Connecticut General Assembly to ensure the integrity of the state's electoral process. The Commission  
9 was given the authority to investigate possible violations of the election laws, inspect campaign finance  
10 records and reports filed with the Connecticut Secretary of State's office, refer evidence of violations to  
11 the Chief State's Attorney or to the Attorney General, issue advisory opinions and make  
12 recommendations to the General Assembly concerning revisions to the state's election laws. The  
13 Commission's enabling authority can be found in §§ 9-7a and 9-7b, General Statutes. The registration  
14 and campaign reports that are filed with the Connecticut Secretary of State's office may be viewed on  
15 the website for that agency, at <http://www.sots.state.ct.us/ElectionsDivision/CampaignFinance.html>.

16 3. Since 1974, the Commission's investigative and enforcement authority has grown. It has  
17 full subpoena power, can impound voting machines and absentee ballots, require a forfeiture of  
18 contributions or payments and impose civil penalties against violators. The Commission currently has  
19 a permanent full time staff, with eleven authorized positions, headed by the Executive Director and  
20 General Counsel. More than 200 investigations are conducted each year, with sanctions imposed in  
21 approximately two-thirds of the cases.

22 4. In the State of Connecticut, two Native American Indian tribes operate large, Las Vegas-  
23 style gambling casinos on their tribal lands. The Mashantucket Pequot Tribal Nation operates the  
24 Foxwoods Casino, and the Mohegan Sun Tribe operates the Mohegan Sun Casino.

25 5. Both the Mashantucket Pequot tribe and the Mohegan Sun tribe fully comply with the  
26 State of Connecticut's election and campaign laws. They have formed political action committees, as  
27 required by state law, and have registered those committees with the state. They have reported their  
28 campaign contribution and expenditure activity fully and on time, and on the forms required by the

1 State, signed under penalty of false statement. Neither tribe has ever contested the jurisdiction of the  
2 State Elections Enforcement Commission to require them to submit all the disclosure information  
3 required by state election law and to otherwise fully comply with the requirements of state law with  
4 respect to their political activities.

5 6. Both tribes have political action committees registered with the State. Both tribes are  
6 active politically in Connecticut, in that they make contributions to candidates running for office in the  
7 state, and to the state's political parties. Attached as Exhibit A to this declaration are true and correct  
8 copies of documents downloaded from the Connecticut Secretary of State's website listing the current  
9 PAC registration information, and the historical PAC registration information, for the Mashantucket  
10 Pequot tribe. Attached as Exhibit B is a true and correct copy of a document downloaded from the  
11 Secretary of State's website listing all the campaign finance reports filed by the Mashantucket Pequot  
12 tribe from January 2000 through October 29, 2002. The tribe has filed its reports on time and has listed  
13 all the information required by Connecticut law. Attached as Exhibit C to this declaration are true and  
14 correct copies of the cover sheets of the tribe's two most recent filings, which were signed by the PAC  
15 treasurer under penalty of false statement. These cover sheets were downloaded from the Secretary of  
16 State's website.

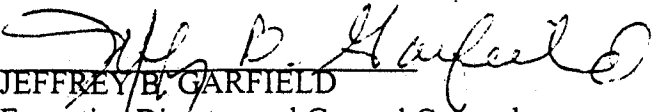
17 7. Attached as Exhibit D to this declaration are true and correct copies of documents  
18 downloaded from the Secretary of State's website listing the current PAC registration information, and  
19 the historical PAC registration information, for the Mohegan Sun tribe. Attached as Exhibit E is a true  
20 and correct copy of a document downloaded from the Secretary of State's website listing all the  
21 campaign finance reports filed by the Mohegan Sun tribe from January, 2000 through October 29,  
22 2002. The tribe has filed its reports on time and has listed all the information required by Connecticut  
23 law. Attached as Exhibit F to this declaration are true and correct copies of the cover sheets of the  
24 tribe's two most recent filings, which were signed by the PAC treasurer under penalty of false  
25 statement. These cover sheets were downloaded from the Secretary of State's website.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct of my own knowledge, and that if called upon I could and would competently testify  
3 thereto. Executed this 4<sup>th</sup> day of December at Hartford, Connecticut

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6 JEFFREY B. GARFIELD  
7 Executive Director and General Counsel  
8 Connecticut State Elections Enforcement Commission  
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